

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Robert Kwan, Presiding  
Courtroom 1675 Calendar**

**Wednesday, September 22, 2021**

**Hearing Room 1675**

2:00 PM

**2:00-000000**

**Chapter**

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<https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
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- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
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Docket 0

**Tentative Ruling:**

- NONE LISTED -

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**2:18-11148 Jong J Kim**

**Chapter 7**

Adv#: 2:18-01134 Shon et al v. Kim et al

**#1.00** Status conference re: Defendant's trial brief

Docket 89

**Tentative Ruling:**

Revised tentative ruling as of 9/22/21.

In preparation for trial this week, the court is reviewing the pleadings relating to the trial, including the trial declarations of the parties and defendants' trial brief recently filed on 9/16/21. The court notes that the discussion of the facts is much more specific and detailed in defendants' trial brief than in their trial declarations, which lack much specificity and detail. If defendants' direct testimony is limited to the trial declarations that they filed, the factual discussion in their trial brief would not be supported.

As the trial declarations constitute the parties' direct testimony, normally, the court would start oral witness examination with cross-examination, and then, redirect testimony would be limited in scope to what was asked on cross-examination. Defendants would normally not be allowed to give expanded direct testimony to cover new matters not in their trial declarations as this would be contrary to the policy of requiring direct testimony by declaration.

It thus appears that defendants are trying to get in new direct testimony in their trial briefs, which is not permissible. However, defendants facing substantial liability sought by plaintiffs may believe that they need to give this new testimony in order to defend themselves, and may request either to give expanded direct testimony at trial in addition to their trial declarations or to file amended trial declarations, which may necessitate a continuance of the trial for plaintiffs to prepare in response.

It also appears that defendants in their trial briefs are offering new exhibits not listed on the joint pretrial stipulation as such exhibits are separately identified by letters than the joint numbered exhibits listed on the joint pretrial stipulation approved by order of the court.

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**Chapter 7**

The court is thus scheduling the status conference on shortened notice to address these issues, whether defendants have cause to get this new testimony in and offer new exhibits not previously disclosed.

The court also notes that counsel for defendants failed to serve and deliver a judge's copy of his trial brief for defendants as required by LBR 5005-2(d) as shown by the proof of service showing no service of a judge's copy, and his trial brief of 74 pages well-exceeds the 25 page exception permitted by the court's suspension of the judge's copy service requirement during the Covid-19 pandemic. This violation of the local rule has hampered the court's review of the document and may subject counsel to sanctions.

Appearances are required on 9/22/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

<b>Party Information</b>
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**Debtor(s):**

Jong J Kim

Represented By  
Bahram Madaen

**Defendant(s):**

Jong Joo Kim

Represented By  
Andrew Edward Smyth

Sun Y Kim

Represented By  
Andrew Edward Smyth

**Joint Debtor(s):**

Sun Y Kim

Represented By  
Bahram Madaen

**Plaintiff(s):**

Kevin Shon

Represented By  
Jason Shon

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**CONT...**      **Jong J Kim**  
Sunny Shon

Represented By  
Jason Shon

**Chapter 7**

**Trustee(s):**

David M Goodrich (TR)

Pro Se